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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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CLERK, U. S. DISTRICT COURT
DISTRICT OF HAWAII

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

MANDALAY PROPERTIES LLC,)	CIVIL NO. 03-00711 JMS BMK
)	
Plaintiff,)	STIPULATION AND ORDER TO
)	EXTEND TRIAL DATE AND
vs.)	RELATED DISCOVERY AND TRIAL
)	DEADLINES
ISLAND ACCESS COALITION,)	
WILLIAM YOUNG, individually, and)	
DOE DEFENDANTS 1-100,)	Old Trial Date:
)	June 14, 2006
Defendants.)	
)	New Trial Date:
)	January 23, 2007

**STIPULATION AND ORDER TO EXTEND TRIAL DATE AND
RELATED TRIAL AND DISCOVERY DEADLINES**

IT IS HEREBY STIPULATED by the undersigned Parties, through
their respective counsel, that the trial date in the above-captioned case is

extended from June 14, 2006 to January 23, 2007. The stipulation between the Parties also extends the related discovery and trial deadlines.

The Parties agreed to extend the trial date and related deadlines due to several pending issues in the related case, *County of Kaua'i v. Mandalay Properties Hawai'i LLC*, Civ. No. CV-05-00052 DAE BMK. In that case, the Court has before it (a) the County of Kaua'i's Motion to Reconsider Order Affirming Magistrate Judge's Order Denying Motion for Reconsideration of Findings and Recommendations to Deny Plaintiff County of Kauai's Motion for Remand or, in the Alternative, for Leave to File Amended Complaint in this Court, filed on October 31, 2005; (2) Mandalay Properties Hawai'i LLC's Motion for Summary Judgment, filed on November 28, 2005; and (3) the issue of discretionary jurisdiction, which was recently raised by the Court *sua sponte* on January 26, 2005. These pending issues may affect the extent of discovery and progression of trial preparation in this case and, therefore, the Parties agreed to extend the trial date and related deadlines to await resolution of those issues, which will promote judicial efficiency and economy.

On February 6, 2006, counsel for Mandalay Properties Hawai'i LLC contacted the Court and informed it of the Parties' agreement. The Court, thereafter, provided a **new trial date of January 23, 2007** and the following **amended deadlines** (noted in bold) to be included in the Parties' stipulation and to be approved and ordered by the Court:

TRIAL AND PRETRIAL CONFERENCE SCHEDULING:

1. NON-JURY trial in this matter will commence before the Honorable J. Michael Seabright, United States District Judge on **January 23, 2007 at 9:00 a.m.**
2. A final pretrial conference shall be held on **December 12, 2006 at 9:00 a.m.** before the Honorable Barry M. Kurren, United States Magistrate Judge.
3. Pursuant to LR 16.6, each party herein shall serve and file a separate final pretrial statement by **December 5, 2006.**

MOTIONS:

4. Deadline for motions to join additional parties or to amend the pleadings is not applicable as the prior deadline passed at time of the Parties' stipulation.
 5. Other non-dispositive motions, except for motions in limine and discovery motions, shall be filed by **October 25, 2006.**
 6. Deadline for dispositive motions to be filed is not applicable as the prior deadline passed at time of the Parties' stipulation.
 7. Motions in limine shall be filed by **January 2, 2007.**
- Any opposition memorandum to a motion in limine shall be filed by **January 9, 2007.**

DISCOVERY:

8. Unless and until otherwise ordered by the Court, the parties shall follow the discovery plan agreed to by the parties herein pursuant to Fed. R. Civ. P. 26(f).

9. Pursuant to Fed. R. Civ. P. 26(a)(2), each party shall disclose to each other party the identity and written report of any person who may be used at trial to present expert evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. The disclosures pursuant to this paragraph shall be according to the following schedule:

a. Plaintiff's shall comply by **July 24, 2006**.

b. All Defendants' shall comply by **August 23, 2006**.

10. Pursuant to Fed. R. Civ. P. 16(b)(3) and L.R. 16.2(a)(6), the discovery deadline shall be **November 24, 2006**. Unless otherwise permitted by the Court, all discovery pursuant to Fed. R. Civ. P. Rules 26 through 37 must be completed by the discovery deadline. Unless otherwise permitted by the Court, all discovery motions and conferences made or requested pursuant to Fed. R. Civ. P. Rules 26 through 37 and LR 26.1, 26.2, 37.1 shall be heard no later than thirty (30) days prior to the discovery deadline.

SETTLEMENT:

11. A settlement conference shall be held on **May 25, 2006 at 2:00 p.m** before the Honorable Barry M. Kurren, United States Magistrate Judge.

12. Each party shall deliver to the presiding Magistrate Judge a confidential settlement conference statement by **May 22, 2006**. The parties are directed to LR 16.5(b) for the requirements of the confidential settlement conference statement.

13. The parties shall exchange written settlement offers and meet and confer to discuss settlement before the date on which settlement conference statements are due.

WITNESSES:

14. By **January 2, 2007**, each party shall serve and file a comprehensive witness list indicating the identity of each witness that the party will call at trial and describing concisely the substance of the testimony to be given and the estimated time required for the testimony of the witness on direct examination.

15. The parties shall make arrangements to schedule the attendance of witnesses at trial so that the case can proceed with all due expedition and without any unnecessary delay.

16. The party presenting evidence at trial shall give notice to the other party the day before of the names of the witnesses who will be called to testify the next day and the order in which the witnesses will be called.

EXHIBITS:

17. By **December 26, 2006**, the parties shall premark for identification all exhibits and shall exchange or, when appropriate, make

available for inspection all exhibits to be offered, other than for impeachment or rebuttal, and all demonstrative aids to be used at trial.

18. The parties shall meet and confer regarding possible stipulations to the authenticity and admissibility of proposed exhibits by **January 2, 2007**.

19. By **January 9, 2007**, the parties shall file any objections to the admissibility of exhibits. Copies of any exhibits to which objections are made shall be attached to the objections.

20. The original set of exhibits and two copies (all in binders) and a list of all exhibits shall be submitted to the Court the Thursday before trial.

DEPOSITIONS:

21. a. By **January 2, 2007**, the parties shall serve and file statements designating excerpts from depositions (specifying the witness and page and line referred to) to be used at trial other than for impeachment or rebuttal.

b. Statements counter-designating other portions of depositions or any objections to the use of depositions shall be served and filed by **January 9, 2007**.

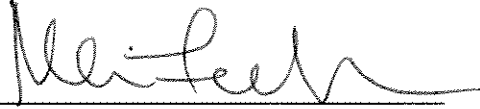
TRIAL BRIEFS:

22. By **January 9, 2007**, each party shall serve and file a trial brief on all significant disputed issues of law, including foreseeable procedural

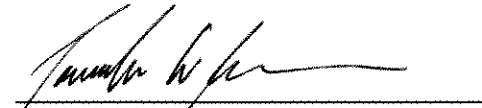
and evidentiary issues, setting forth briefly the parties position and the supporting arguments and authorities.

FEB 17 2006

DATED: Honolulu, Hawai'i, _____.




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PAMELA W. BUNN
Attorneys for Defendant
WILLIAM YOUNG

APPROVED AND SO ORDERED:


HON. J. MICHAEL SEABRIGHT
UNITED STATES DISTRICT JUDGE

Mandalay Properties LLC v. Island Access Coalition (Civ. No. 03-00711 JMS
BMK); Stipulation and Order to Extend Trial Date and Related Discovery and
Trial Deadlines